

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,

Plaintiff

v.

ROBERT W. Meyers, et al.,  
Defendants

JUDGE'S COPY

No. 1:CV-00-0895

(M.J. Smyser)

FILED  
HARRISBURG, PA

DEC 27 2000

MARY E. D'ANDREA, JEE  
Per STG

SUPPLEMENT TO THE COMPLAINT

1. That Plaintiff has still not been moved to the Non-Smoking Block, where Defendants now know the facts of this case and of plaintiff's Asthma.

2. That although there is now not supposed to be any smoking on Block-out of A-Block, with no-smoking signs posted, the Block is not smoke free, inmates and Correction Officers sneak smokes on block-out and while watching T.V. in front of my cell, and inmates still smoke in their cells, all causing me to endure effects of second-hand smoke.

3. On 12/3/00, while inmates were locked in for Noon Count Sgt. Curtis, the Block Sgt., and Officer Wentz were smoking cigarettes, while sitting and watching the Pittsburgh and Radiers game on T.V. in front of my cell, where there is a No Smoking sign.

4. I spoke to said Officer's about their smoking and Sgt. Curtis told me "if you put a Grievance in me I'll make sure you stay locked up."

5. On 12/3/00, Plaintiff filed a "Official Inmate Grievance #ROC0545-00. See Exhibit "A".

6. On 12/18/00, the Grievance Coordinator filed a reply, admitting to the smoking, but denies that I was threatened. See Exhibit "B."

7. Sgt. Curtis knew that I had an Asthma condition, that I had a law suit in against the Institution concerning my Asthma and smoking, and the hold-up of my move to the non-smoking block, where I have spoken to him many times about these things, and have let him read my legal work, all in order to get the white-out kept at his desk and to get a Law Library pass, and to have him call medical for me to go over to use the oxygen tank.

8. The actions by Sgt. Curtis were a form of harassment and has/is causing Plaintiff mental pain and suffering, and Plaintiff wants this Court to know of this incident in case there is some form of retaliation or set-up against him.

UNSWORN DECLARATION

I declare, under penalty of perjury, that this pleading and the documents attached are true and correct to the best of my personal knowledge, information and belief.

Dated: 12-22-00

Terrance Montague  
Terrance Montague, BZ-2761  
SCI-Rockview  
Box A  
Bellefonte, PA 16823-0820

DC-804  
PART 1

#1

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

Exhibit "A"

GRIEVANCE NO.

ROC-0545-0

TO: GRIEVANCE COORDINATOR <u>MR. Rackovan</u>	INSTITUTION <u>SCI-Rockview</u>	DATE <u>12-3-00</u>
FROM: (Commitment Name & Number) <u>TERRENCE MONTAGUE B-376</u>	INMATE'S SIGNATURE <u>Terrence Montague</u>	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT <u>A-142</u>	

## INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Brief, clear statement of grievance:

ON-12-3-00 while we was locked in for noon count S.G.T CURTIS AND OFFICER WENTZ WAS SMOKING CIGARETTES WHILE SITTING WATCHING THE PITTSBURGH PIRATES GAME ON T.V PLUS THERE NO SMOKING SIGNS ON THE WALL RIGHT WHERE S.G.T CURTIS AND OFFICER WENTZ WAS SMOKING AT. OFFICER WENTZ WAS SITTING RIGHT BEHIND S.G.T CURTIS SMOKING THESE OFFICERS KNOW THEY AINT SUPPOSE TO BE SMOKING. SO WHEN I SAID SOMETHING TO S.G.T CURTIS ABOUT HIM AND OFFICER WENTZ SMOKING S.G.T CURTIS THEN SAID TO ME IF YOU PUT A GRIEVANCE IN ON ME I'LL MAKE SURE YOU STAY LOCKED UP. SO NOW HE THREATENING ME BECAUSE HE KNOW HE AINT SUPPOSE TO BE SMOKING OUT ON THE BLOCK. NEXT PAGE →

## B. Actions taken and staff you have contacted before submitting this grievance:

UNIT MANGER - MR. AILAR

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Jeffrey Rackovan  
Signature of Grievance Coordinator

Conditions

12/6/00

Date  
Dec. 12/20

DC-804  
PART 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

Exhibit "A"

GRIEVANCE NO.

ROC-05450

TO: GRIEVANCE COORDINATOR

MR. RACKOVAN

INSTITUTION

SCI-Rockview

DATE

12-3-00

FROM: (Commitment Name &amp; Number)

TERRANCE MONTAGUE BZ3769

INMATE'S SIGNATURE

Terrance Montague

WORK ASSIGNMENT

QUARTERS ASSIGNMENT

A-142

## INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Brief, clear statement of grievance:

WHAT MAKE THESE OFFICER'S HAVE THE RIGHT TO SMOKE ON  
block out AND THE INMATES CAN'T SO THESE OFFICER'S IS  
JUST SAYING THE HELL WITH THE NO SMOKING SIGNS THAT'S  
ON THE WALL. THESE OFFICER'S WAS SITTING RIGHT ACROSS FROM  
MY CELL SMOKING. MY FAMILY ALONG WITH HIGHER AUTHORITIE  
HAVE BEEN NOTIFIED ABOUT THIS MATTER.

THANK YOU  
VERY MUCH  
Terrance Montague

## B. Actions taken and staff you have contacted before submitting this grievance:

UNIT MANAGER - MR. ALLAR

Your grievance has been received and will be processed in accordance with DC-ADM 804

Gregory Rackovan  
Signature of Grievance Coordinator

12/6/00  
Date

**DC-804**  
**PART II**

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF CORRECTIONS**  
**P.O. BOX 598**  
**CAMP HILL, PA 17001**

**OFFICIAL INMATE GRIEVANCE**  
**INITIAL REVIEW RESPONSE**

Exhibit "B"

GRIEVANCE NO.

#ROC-0545-00

TO: (Name & DC NO.) Terrance Montague, BZ-2761	INSTITUTION SCIR	QUARTERS Bldg A	GRIEVANCE DATE 12/03/00 Received 12/04/00
---	---------------------	--------------------	---

The following is a summary of my findings regarding your grievance:

This complaint has been reviewed with Mr. Allar, Unit Manager and with Sergeant Curtis, who does remember smoking a cigarette in an area that is clearly a non-smoking area. As his supervisor Mr. Allar has taken proper action to insure that it is not likely to happen again. Lastly, Sergeant Curtis denies that he threatened you.

Thank you for bringing this matter to our attention.

JAR:tlk

c: Deputy Wakefield  
Deputy Whitman  
Major Yancey  
Mr. Allar  
Sergeant Curtis  
Case Record  
Mr. Rackovan

Refer to DC-ADM 804, Section VIII, for instructions on grievance system appeal procedures.	SIGNATURE OF GRIEVANCE COORDINATOR <i>Jeffrey Rackovan</i>	DATE 12/18/00
--	---	------------------